UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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**WILLIE RODRIGUEZ,** 

Plaintiff,

v. 9:18-CV-1380

M. GOINS,

Defendant.

THOMAS J. McAVOY, Senior United States District Judge

## **DECISION and ORDER**

## I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Plaintiff alleges that Defendant Goins, a corrections officer at the Ulster County Law Enforcement Center, violated his constitutional rights by failing to intervene and protect him from a physical assault by a fellow inmate. Defendant Goins moves for summary judgment on the bases that (1) Plaintiff's claim fails as a matter of law; and (2) Defendant Goins is entitled to qualified immunity. Dkt. No. 23. In his August 17, 2020 Report-Recommendation and Order (Dkt. No. 34), Magistrate Judge Stewart recommends that Defendant Goins's motion for summary judgment be granted on both bases. No objections to the Report-Recommendation and Order have been filed, and the time to do so has expired.

## II. DISCUSSION

After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

## III. CONCLUSION

Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and Order (Dkt. No. 34) for the reasons stated therein. Defendant Goins's motion for summary judgment (Dkt. No. 23) is **GRANTED** and the claim against him is **DISMISSED**.

Defendant Goins's letter-motion asking the Court to accept the Report-Recommendation and Order (Dkt. No. 35) is **DENIED as moot**.

The Clerk of the Court may close the file in this matter.

IT IS SO ORDERED.

Dated:October 20, 2020

Senior, U.S. District Judge